SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF BRONX

= = = = = = = = = = = = = = = X Index No.: ADONNA FROMETA, Date of Pu

JONNA PROMETA,

Date of Purchase

Plaintiff,

SUMMONS

-against-

Plaintiff designates BRONX County as place of trial The basis of venue is: Plaintiff's Residence 666 East 23rd Street Bronx, NY

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS RECYCLING,

Defendant.

To the above named defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorneys within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York May 31, 2007

DINKES & SCHWITZER, P.C.

WILLIAM R. HAMEL, ESQ. Attorneys for Plaintiffs Address and Telephone Number 112 Madison Avenue New York, N.Y. 10016 (212) 685-7800 File No. SRDS07-028SP

Defendants Address: MARIO E. DIAZ-DIAZ 91 Spring Street Passaic, N.J. 07055

ALL AMERICAN HAULERS RECYCLING. 65 Liberty Street Passaic, NJ 07055

This Summons and Complaint is being Served pursuant to New York State Vehicle and Traffic Law § 253

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COUNTY	OF	NEW	YO	RK								
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ADONNA	FRO	META	λ,									

Date of Purchase: Index No.: VERIFIED COMPLAINT

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Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS RECYCLING,

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Plaintiff, ADONNA FROMETA, by his attorneys, DINKES & SCHWITZER, P.C., complaining of the defendant herein, respectfully shows to this court and alleges as follows:

- 1. That at all times hereinafter alleged, the plaintiff, ADONNA FROMETA, was a resident of the County of Bronx, City and State of New York.
- 2. That at all times hereinafter alleged, ADONNA FROMETA, operated a motor vehicle bearing New York registration number DMF4956.
- 3. That at all times hereinafter alleged, ADONNA FROMETA, owned a motor vehicle bearing New York registration number DMF4956.
- 4. That at all the times hereinafter alleged, and upon information and belief, the defendant, ALL AMERICAN HAULERS

RECYCLING., was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New Jersey.

- 5. That at all the times hereinafter alleged, and upon information and belief, the defendant, ALL AMERICAN HAULERS RECYCLING., was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New Jersey.
- 6. That at all the times hereinafter alleged, and upon information and belief, the defendant, ALL AMERICAN HAULERS RECYCLING., was a company organized and existing under and by virtue of the laws of the State of New Jersey.
- 7. That at all of the times hereinafter mentioned, and upon information and belief, the defendant, ALL AMERICAN HAULERS RECYCLING., maintained a principal place of business in the City of Passaic and State of New Jersey.
- 8. That at all times hereinafter alleged, and upon information and belief, the defendant, ALL AMERICAN HAULERS RECYCLING., owned a motor vehicle bearing New Jersey registration number AJ780H.
- 9. That at all the times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ,

operated a motor vehicle bearing New Jersey registration number AJ780H.

- 10. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, maintained the motor vehicle bearing New Jersey registration number AJ780H.
- 11. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, managed the motor vehicle bearing New Jersey registration number AJ780H.
- 12. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, controlled the motor vehicle bearing New Jersey registration number AJ780H.
- 13. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, operated a motor vehicle bearing New Jersey registration number AJ780H with the knowledge, permission and consent of defendant ALL AMERICAN HAULERS RECYCLING.
- 14. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, maintained a motor vehicle bearing New Jersey registration number AJ780H with the knowledge, permission and consent of defendant ALL

AMERICAN HAULERS RECYCLING.

- 15. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, managed a motor vehicle bearing New Jersey registration number AJ780H with the knowledge, permission and consent of defendant ALL AMERICAN HAULERS RECYCLING.
- 16. That at all times hereinafter alleged, and upon information and belief, the defendant, MARIO E. DIAZ-DIAZ, controlled a motor vehicle bearing New Jersey registration number AJ780H with the knowledge, permission and consent of defendant ALL AMERICAN HAULERS RECYCLING.
- 17. That at all of the times hereinafter mentioned, East 23^{rd} Street at or near its intersection with Lexington Avenue, in the County of New York, City and State of New York, was and still is a public highway used extensively by the public in general.
- 18. That on February 14, 2007, at the aforesaid location, the aforesaid motor vehicles came in contact one with the other.
- 19. That the aforesaid accident and injuries resulting therefrom were due solely and wholly as a result of the careless and negligent manner in which the defendants owned, operated, maintained, managed and controlled their motor vehicle without this plaintiff in any way contributing thereto.

- 20. That by reason of the foregoing and the negligence of the defendants, the plaintiff ADONNA FROMETA, was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.
- 21. That by reason of the foregoing, the plaintiff, ADONNA FROMETA, was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefor for medicines and upon information and belief, the plaintiff will necessarily incur similar expenses.
- 22. That by reason of the foregoing, the plaintiff, ADONNA FROMETA, has been unable to attend to her usual occupation in the manner required.
- 23. That by reason of the wrongful, negligent and unlawful actions of the defendants, as aforesaid, the plaintiff, ADONNA FROMETA, sustained serious injuries as defined in Section 5102 (d) of the Insurance Law of the State of New York, and has sustained economic loss greater than basic economic loss as defined in Section 5102 of the said Insurance Law.
- 24. That one or more of the exceptions of §1602 of the Civil Practice Law and Rules applies to the within action.

25. That as a result of the foregoing, the plaintiff, ADONNA FROMETA, sustained damages in an amount that exceeds the jurisdictional limits of the lower Courts.

WHEREFORE, plaintiff demands judgment against the defendant in an amount that exceeds the jurisdictional limits of the lower Courts, all together with the costs and disbursements of this action.

Dated: New York, New York May 31, 2007

DINKES & SCHWITZER, P.C

BY:

WILLIAM R. HAMEL, ESQ. Attorneys for Plaintiffs

112 Madison Avenue

New York, N.Y. 10016

(212) 685-7800

File No.: SRDS07-028SP

STATE OF NEW YORK)

COUNTY OF NEW YORK)

I, the undersigned, an attorney admitted to practice in the courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff(s) in the within action; I have read the foregoing SUMMONS AND COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true. The reason this verification is made by me and not by my client(s), is that my client(s) are not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: New York, New York May 31, 2007

VILLIAM R. HAMEL

Index No.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
ADONNA FROMETA,

Plaintiff,

-against-

MARIO E. DIAZ-DIAZ, ALL AMERICAN HAULERS RECYCLING. and MONROE BUS SERVICE, INC.

Defendant.

SUMMONS AND VERIFIED COMPLAINT

DINKES & SCHWITZER, P.C.

Attorneys for Plaintiffs

Office and Post Office Address, Telephone

112 MADISON AVENUE

NEW YORK, N.Y. 10016

(212) 687-9800

Our File: SRDS07-028SP

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SUPREME COURSE DE SPRAZ DE REMITORIO DOCUMENT 15-3 COUNTY OF BRONX

- against -

FileAttOA/Q7/BANKES & PORWITZER, ESQS.

ADONNA FROMETA ...

Plaintiff(s)

The papers served bore the index # and date of filing.

Index # 16270/07

MARIO E. DIAZ-DIAZ, ETANO

Purchased June 13, 2007 File # SRDS07-028SP

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on June 22, 2007 at 01:00 PM at

SECRETARY OF STATE 123 WILLIAM STREET, 19TH FLOOR NEW YORK, NY 10038

deponent served the within SUMMONS & VERIFIED COMPLAINT on MARIO E. DIAZ-DIAZ therein named.

SECRETARY OF STATE

By service upon the N.Y.S. Secretary of State under Section 253 of the Vehicle and Traffic Law by delivering to L. POWELL, LEGAL CLERK, AUTHORIZED to accept thereof, and tendering the required fee of \$10.00.

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's last known residence at

91 SPRING STREET PASSAIC, NJ 07055

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on June 29, 2007 by CERTIFIED MAIL-RETURN RECEIPT REQUESTED RECEIPT # 0000 2970 6765 in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

Deponent further states that he describes the person actually served as follows:

Sex

Skin Color

Hair Color

Age (Approx.)

Height (Approx.)

Weight (Approx)

FEMALE

BROWN

BROWN

35

5'9

130

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: June 29, 2007

JOEL GRABER Notary Public, State of New York No. 02GR4699723 Qualified in New York County

Comm. Expires February 10, 2010

MIGHAEL SM)TH lotary Roblic, State of New York No. 016M4997428

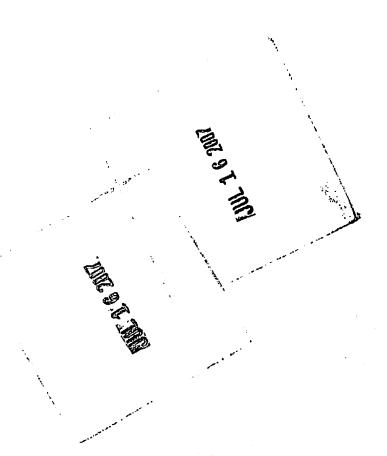
Qualified in New York County Comm. Expires Vune 8, 2010

JONATHAN GRABER Notary Public, State of New York No. 01GR6156780 Qualified in New York County Comm. Expires December 4, 2010

ANDERSON CHAN

License #: 1220482 Invoice #: 442058

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728



(212) 619-0728

UNITED PROCESS SERVICE, INC.

FAX: (212) 619-2288 THIRD FLOOR 315 BROADWAY NEW YORK, NY 10007-1121 E-Mail: info@unitedprocess.com

Web: www.unitedprocess.com

Date Received

06/08/07

DINKES & SCHWITZER, ESQS.

112 MADISON AVENUE

Client Code 48 (212) 683-3800 ANDERSON CHAN

Index # 16270/07

NEW YORK, NY 10016

ATTN: ATHENIA A. GRANT

File#

SRDS07-028SP

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF BRONX

Invoice #

442058

Date Purchased

06/13/07

120 Day

Copies

10/11/07

Plaintiff: ADONNA FROMETA

Defendant: MARIO E. DIAZ-DIAZ, ETANO

FILED JUL 1 0 2007

Yes

Recipient(s):

1) MARIO E. DIAZ-DIAZ

SUMMONS & VERIFIED COMPLAINT

Location: Home: 91 SPRING STREET

PASSAIC, NJ 07055

Add. Address:

SECRETARY OF STATE

123 WILLIAM STREET

19TH FLOOR

NEW YORK, NY 10038

SERVED Date: 6 22 Time: 1300 Serv	e Sec'y of State	Adv. Fee	Att. Sc	ending
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PURCHASE INDEX # ATTORNEY PAID \$210. FILE IN COURT.

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U.S. Postal Service ... 72-HB-MHD-IEDOCHMent 15=3 EIFiled 04/07/2008 65 (Domestic Mail Only; No Insurance Coverage Provided) 29 For delivery information visit our website at www.usps.com 2970 Postage Certified Fee 0000 1000 Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) 0220 \$ 5.38

> MARIO E. DIAZ-DIAZ 91 SPRING STREET PASSAIC, NJ 07055

Total Postage & Fees

7007

729HBHM HDI Probidesument 15-3 Filed 04/07/2008

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mallplece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS_® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

HB-MHD Document 15-3 Filed 04/07/2

Bronx County Clerks Office 851 Grand Concourse Bronx, NY 10451

Department: LAW

Transaction No. 1025200

Plantiff ADONNA FROME
Defendant MARIO E. DIAZ-DI

IndexNo 16270-2007

Type: R

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WILLIAM R. HAMEL BETH M. DIAMOND

LEIGH W. BERNSTEIN JASON L. PARIS ANDREA M. ARRIGO JAMES F. GOODING SOUREN A. ISRAELYAN ANTHONY P. FORGIONE BRIANA M. SERRA ARI M. GROSS NAOMI J. SKUPA SLAWOMIR W. PLATTA ATTORNEYS-AT-LAW

112 Madison Avenue • New York, N.Y. 10016 • 212/685-7800

442058

WILLIAM DINKES OF COUNSEL

ROBERT H WEISS

RAUL P. MERUELO

NATHAN DINKES (1910-1993)

FAX: 212/685-2356

May 31, 2007

UNITED PROCESS SERVICE 315 Broadway, St. # 3F New York, NY 10007 Story Chan-10-F

Re: FROMETA v. DIAZ DIAZ

File No.: SRDS07-028SP

Attn: Mike Smith

Enclosed please find a check in the sum of \$210.00 made payable to the Clerk of the Court, Bronx County and an original and 5 copies the Summons and Complaint in the above referenced matter. Kindly purchase an index number at Supreme Court; affix the index number to the original and all copies of the Summons and Complaint; file the original with the Clerk of the Court; serve the Summons and Complaint upon all defendants; file the original affidavit of service with the Clerk of the Court; please have one of the copies S&C stamped and returned to me and forward a copy of the affidavit of service and your bill for services rendered to the undersigned at your earliest convenience.

Thank you for your courtesies herein.

Very truly yours,

ATHENIA A. GRA

Paralegal

Encl.

Case 1:07-cv-06372-HB-MHD Document 15-3 Filed 04/07/2008 Page 20 of 25

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF BRONX

ADONNA FROMETA Index # 16270/07

Plaintiff(s) Invoice Number: 442058

- against - File # :SRDS07-028SP

MARIO E. DIAZ-DIAZ, ETANO

Defendant(s)
Notice Pursuant to Section 253 of the Vehicle

& Traffic Law of the State of New York

Please take notice that a copy of the within summons and complaint along with the statutory fee of \$10 was served upon the Secretary of State of New York pursuant to Section 253 of the Vehicle and Traffic Law on June 22, 2007 at the office at 123 William Street, New York, New York 10038.

Dated June 29, 2007 New York, New York

DINKES & SCHWITZER, ESQS. 112 MADISON AVENUE NEW YORK, NY 10016 ATTORNEY FOR PLAINTIFF (212) 683-3800

	Case 1:07-cv-06372-HB-MHD Document 15-3 Filest 404/07/120008RK DEPARTMENT OF STATE Fee paid for service under: \$ 253 Veh. & Tr. Law \$ 254 Veh. & Tr. Law \$ 250 G.B. Law (Air)	Page 21 of 25 M 213300
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C	NAME OF PLAINTIFF'S ATTORNEY	
L	Dinkes & Schwitzer PC	STATE OF NEW YORK
E	112 madison Avenue	Secretary of State
	New York NY 10016 By	J. Powell

Case 1:07-cv-06372#HE	
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ADONNA FROMETA

Plaintiff(s)

The papers served bore the index # and

date of filing.

Index # 16270/07

- against -

MARIO E. DIAZ-DIAZ, ETANO

Purchased June 13, 2007

File # SRDS07-028SP

Defendant(s)

AFFIDAVIT OF COMPLIANCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

٢.

That on June 22, 2007 at 01:00 PM at

SECRETARY OF STATE 123 WILLIAM STREET, 19TH FLOOR NEW YORK, NY 10038

deponent served the within SUMMONS & VERIFIED COMPLAINT on MARIO E. DIAZ-DIAZ therein named,

SECRETARY OF STATE By service upon the N.Y.S. Secretary of State under Section 253 of the Vehicle and Traffic Law by delivering L.

POWELL, LEGAL CLERK, AUTHORIZED to accept thereof, and tendering the required fee of \$10.00.

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's last known residence at

91 SPRING STREET PASSAIC, NJ 07055

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on June 29, 2007 by CERTIFIED MAIL-RETURN RECEIPT REQUESTED RECEIPT # 0000 2970 6765 in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

Deponent further states that he describes the person actually served as follows:

SexSkin ColorHair ColorAge (Approx.)Height (Approx.)Weight (Approx)FEMALEBROWNBROWN355'9130

RETURN RECEIPT RETURNED SIGNED BY MARIO DIAZ

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 10, 2007

JOEL GRABER Notary Public, State of New York No. 02GR4699723

Qualified in New York County Comm. Expires February 10, 2010 MCHAEL SMITH Notary Public State of New York No. 315M3097428

Subalified in New York County Comba, Expires June 8, 2010 JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

ANDERSON CHAN License #: 1220482

Invoice #: 442058

UNITED PROCESS SERVICE, INC. 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

Case 1:07-cv-06372-HB-MHD	CERTIFIED MAIL. RECEIPT	e 24 of 25
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112 MADISON AVENUE NEW YORK, NY 10016	Restricted Delivery Fee (Endorsement Required)	Index # 16270/07
ATTN: ATHENIA A. GRANT	Total Postage & Fees \$ 5,38	SRDS07-028SP
SUPREME COURT OF THE STATE OF NEW '		442058
COUNTY OF BRONX	MARIO E. DIAZ-DIAZ 91 SPRING STREET	06/13/07
	PASSAIC, NJ 07055	10/11/07
Plaintiff: ADONNA FROMETA		
Defendant: MARIO E. DIAZ-DIAZ, ETANO	Copies	Yes
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Recipient(s):	JMMONS & VERIFIED COMPLAINT	
1) MARIO E. DIAZ-DIAZ SU Location: Home: 91 SPRING STREET	JIMINONS & VERIFIED COMPLAINT	
PASSAIC, NJ 07055		
Add. Address: SECRETARY OF STATE 123 WILLIAM STREET		
19TH FLOOR		
NEW YORK, NY 10038		
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	7007 0250 0000 2970 Braz 102595-02-M-1540	3. Service Type G Certified Mall		YES, enter denvery authors	D. Is delivery address different from Item 17 Lines	B. Received by (Printed Name) C. Date of Delivery	A Signature Agent Addressee	COMPLETE THIS SECTION ON DELIVERY